



**STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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Tommy Brown,
Citizen Representative
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MINUTES

February 23, 2010

The Arkansas Towing & Recovery Board convened on Tuesday, February 23, 2010 at 9:40 a.m. in the 2nd floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Vice-Chairperson Wayne Edwards, Treasurer Noel Foster, and Members: E. L. Jacobs, Charles Bokker, Jr., Avon Phillips Jr., Mary Thoma, and Tommy Brown, were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Board Legal Counsel Rebsamen, were also, present. Member Ronnie Walker was not present.

Chairperson Glenna Butler confirmed members had received the Minutes from the January 27, 2010, meeting with a Motion by Bokker and a 2nd by Brown, the Board voted 8-0-1 to accept the Minutes as written.

Treasurer Foster reported expenditures of \$ 2.00 and revenues of \$ 7,421.87 for a checkbook balance as of February 22, 2010 of \$ 102,074.66.
(Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Glenna Butler welcomed guests.

On-Going Business

1. **Progress Report:** Clerical Assistant Staggs reported as of February 22, 2010: 46 non-consent safety licenses; 53 new, 30 1st renewal, and 42 2nd renewal non-consent permits; 14 consent safety licenses, 17 new, 04 1st renewal, 04 2nd renewal and 00 Trailer consent permits were issued, 31 walk-in applications, 05 applications with deficiencies, and 46 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes).
2. **Complaints Report:** Board Investigator Ashcraft reported as of February 22, 2010: 22 telephone complaints, 09 written complaints, and 0 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 05 pending complaint hearings, and 11 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized categories on the report. (Note: copy of Complaint Report is filed with these minutes)
3. **Administrative Appeals:** Board Council Rebsamen reported on 5 complaints on appeal:
 - A. **Complaint No. 06-12-158:** Asher Wrecker Service, Inc.: Issue with the record and requested a hearing waiting to hear back from the court.

- B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc.: Waiting for declaratory judgments. Appeals are still pending, waiting on briefing schedule on appeals.
- C. **Complaint No. 08-06-150:** Gene Zajac DBA Blue Hill Wrecker Service: Record has been filed waiting on a briefing schedule approval.
- D. **Complaint No. 09-01-093 and 2009-09-045:** Glover's Transmission and Rear End, Inc; Appeal record has been filed and in process of setting briefing schedule.
- E. **Complaint No. 09-03-110:** Troy Mullins filed an appeal, waiting on briefing schedule.

Old Business

- 1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen. On-going discussions has been focused on the education of road troopers on the towing laws.
- 2. **Public Service Advertisements:** Director Lauen provided a price sheet for publishing a public service advertisement. Item was tabled until next meeting.
- 3. **Offer of Settlements:** Lauen requested to table this to be discussed at the next meeting.

New Business

- 1. **Consent Towing in Texas:** Lauen reported under the new current Texas State Law, towing operators licensed in Arkansas cannot tow in Texas without first registering in the State of Texas. Consent towing requires registering business, truck, and driver. Question has been posed to Texas concerning inhibiting interstate commerce under the UCC, the answer is pending.

Other Business

- 1. **Next Meetings:** March 31, 2010, 2nd floor conference room, Tower Building, 323 Center, Little Rock, Arkansas.

Meeting adjourned 11:12 a.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)